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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ABRAHAM GHORBANIAN, D.D.S.,

9 Plaintiff,

10 v.

11 GUARDIAN LIFE INSURANCE
12 COMPANY OF AMERICA, *et al.*,

13 Defendants.

Case No. C14-1396 RSM

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND COMPLAINT

14 THIS MATTER comes before the Court on Plaintiff's Motion to Amend his Complaint
15 to add a claim against Defendants pursuant to the Insurance Fair Conduct Act ("IFCA") based
16 on a February 27, 2015, denial of disability benefits. Dkt. #77. Defendants oppose the motion,
17 arguing that Plaintiff has unduly delayed amending his Complaint and has proposed an
18 amendment that is futile. Dkt. #88.
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20 Federal Rule of Civil Procedure 15(a) governs the amendment of pleadings. Under
21 Rule 15(a)(2), leave to amend should be freely given "when justice so requires." Fed. R. Civ.
22 P. 15(a)(2). The Ninth Circuit has held that leave to amend should be granted with "extreme
23 liberality." *DCD Programs, LTD. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987). The Court
24 must consider whether the proposed amendment (1) would be futile, (2) is the product of undue
25 delay, (3) would prejudice the non-moving party, and (4) was brought in bad faith. *Id.* (stating
26 all four factors). The opposing party bears the burden of showing prejudice, *id.* at 187, which
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1 is the most important factor in whether to grant a motion for leave to amend. *Eminence*
2 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (presumption in favor of
3 granting leave exists absent prejudice or a strong showing of any of the remaining factors).

4 Having reviewed Plaintiff's motion and reply in support thereof, and the opposition
5 thereto, the Court will allow Plaintiff's filing of a Second Amended Complaint. For the
6 reasons set forth by Plaintiff, the Court agrees that Plaintiff has not unduly delayed in the filing
7 of his proposed IFCA claim, which is based on a separate denial of benefits than previously
8 examined by the Court. Further, the Court finds that Defendants have failed to demonstrate
9 prejudice in allowing this amendment. Finally, the Court cannot conclude at this stage of the
10 litigation that the proposed amendments would be futile. Accordingly, Plaintiff's Motion to
11 Amend (Dkt. #77) is GRANTED.
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14 Plaintiff shall file with the Court his Second Amended Complaint, as proposed at Dkt.
15 #77-1, Ex. C, **no later than three (3) business days from the date of this Order.**

16 DATED this 13th day of April 2017.
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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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